

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
)
)
PLAINTIFF,)
)
)
v.) CASE NO.: 2:06-cv-116-MEF
)
)
FIVE HUNDRED FORTY-THREE)
THOUSAND ONE HUNDRED NINETY)
DOLLARS (\$543,190.00) IN UNITED)
STATES CURRENCY,)
)
DEFENDANT.)

ORDER

This is an action to forfeit and condemn to the use and benefit of the United States of America \$543,190.00 in United States currency, which was seized on August 29, 2005. Now pending before this Court are the following motions filed by either the United States of America or the sole claimant to the defendant currency, Enrique Alcaraz-Barajas (“Claimant”):

- United States of America’s Motion for Summary Judgment (Doc. # 26);
- Motion to Strike from Consideration on Motion for Summary Judgment (Doc. # 31)

filed by Claimant

- Claimant’s Motion to Suppress Seized Money, Evidence of Money Line-Up Dog Alert and Fruits Thereof (Doc. # 32);
- Claimant’s Motion to Stay Proceeding on Summary Judgment (Doc. # 33) (contained in Claimant’s response to the United States of America’s Motion for Summary

Judgment);

- Amended Motion to Strike from Consideration on Motion for Summary Judgment (Doc. # 36) filed by Claimant;
- Claimant's Motion for Summary Judgment (Doc. # 37);
- Motion to Stay Adjudication (Doc. # 44) filed by the United States;
- Motion for Expansion of Time for Response (Doc. # 45) filed by Claimant; and
- Amended Joinder Motion to Stay Adjudication (Doc. # 47) filed by Claimant.

The Court has carefully considered the submissions in support of an in opposition to the aforementioned motions. It is apparent from the submission that the parties disagree on nearly everything from the applicable law to the order in which the Court should decide the pending legal issues. Additionally, Claimant contends that the United States Supreme Court will soon decide a case which will have a direct bearing on some of the substantive legal issues in this case.

The Court finds that the factual record before it is woefully inadequate. Moreover, the parties have failed to offer appropriate legal argument in support of many of their requests for relief. With the factual and legal record in its current state, the Court cannot and will not grant summary judgment to either the United States of America or to the Claimant. Indeed, at this juncture, the Court is inclined to require the parties to start afresh with respect to all the pending motions.

For the foregoing reasons it is hereby ORDERED as follows:

1. All pending motions (Doc. # 26, Doc. # 31, Doc. # 32, Doc. # 33, Doc. # 36, Doc. # 37, Doc. # 44, Doc. # 45, and Doc. # 47) are DENIED.
2. The Court will enter a new Uniform Scheduling Order continuing this case to a later term of court so that the parties can engage in further discovery. This new Uniform Scheduling Order will also contain a new deadline for the submission of summary judgment motions. The Court encourages the parties to think carefully about the content of the dispositive motions before filing them. The Court expects all further briefs submitted in support of and in opposition to any motion filed in this case to contain carefully researched and clearly articulated arguments based on properly cited legal authorities. The Court further expects that motions for summary judgment will be supported by appropriate evidentiary submissions.

DONE this the 11th day of June, 2007.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE